

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK MAHAFFEY,

Plaintiff,

v.

Case No. 13-14646

JOSHUA BUSKIRK,
FRANCES HINSLEY, JEFFREY
STIEVE, SUMMER LAUHHUNN,
JACOB, SHARP, HARRIET SQUIER, and
HARESH B. PANDYA,

HONORABLE AVERN COHN

Defendants.

ORDER

ADOPTING REPORT AND RECOMMENDATION (Doc. 71)
AND
GRANTING SUMMER LAUHHUNN'S MOTION TO DISMISS (Doc. 36)

I.

This is a pro se prisoner civil rights case. Plaintiff is an inmate in the custody of the Michigan Department of Corrections (MDOC). He asserts a claim under 42 U.S.C. § 1983 against defendants claiming a violation of his Eighth Amendment rights due to inadequate medical care for the treatment of a back condition. The matter was referred to a magistrate judge for all pretrial proceedings. (Doc. 24).

Plaintiff initially named eleven (11) defendants. Following motion practice, the defendants are: Joshua Buskirk, Harriet Squier, Haresh Pandya, Frances Hinsley,

Jeffrey Stieve, Summer Laughhunn, Sharp and Jacob.¹

Laughhunn filed a motion to dismiss (Doc. 36). Plaintiff did not oppose the motion. On February 6, 2015, the magistrate judge issued a report and recommendation, recommending that the motion be granted. (Doc. 71).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has reviewed the MJRR and agrees with the magistrate judge's recommendation.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Laughhunn's motion to dismiss is GRANTED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 3, 2015
Detroit, MI

¹Pandya and Stieve have filed separate motions for summary judgment (Docs. 46, 54). The magistrate judge recently issued a MJRR recommending that the motions be granted. (Doc. 72). The time for objections has not yet passed. Also, Buskirk and Squire have filed a motion for summary judgment (Doc. 63). It remains pending before the magistrate judge. As to the remaining defendants, Sharp and Jacob, the MDOC has said they do not employ either of them. See Docs. 40, 41.

13-14646 Mahaffey v. Buskirk et al

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 3, 2015, by electronic and/or ordinary mail.

S/Sakne Chami
Case Manager, (313) 234-5160